

SENATE CHAMBER,  
AUSTIN, Texas, Wednesday, June 22, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; no quorum present.

Absent—Senator Alford.

Senator Fountain moved a call of the Senate.

Call sustained.

Absent—Senator Alford.

The President excused Senator Pyle, who was relieved from arrest, whereupon he took his seat and answered to his name.

Quorum present.

On motion of Senator Ruby the reading of the journal was dispensed with.

Senator Parsons moved the regular order of business be suspended. Carried.

On motion of Senator Ruby the call of the Senate was suspended.

On motion, Senator Alford excused because of sickness.

[General File.]

The chair announced that he found on his table substitute for Senate bill No. 33, "An Act to provide for the enrollment of the militia," which had been read twice, engrossed, and was now on its third reading and final passage.

Bill read third time.

On motion of Senator Fountain the bill was put on its final passage.

Senator Parsons moved the previous question. Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Main question ordered.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent but excused—Alford.

The President then put the question, "Shall the bill pass?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett.

Absent and excused—Alford.

So the bill passed.

Under direction of the President the Secretary carried the same to the House, with action of the Senate.

Senator Fountain moved suspension of rules to take up from the calendar House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies.

Rules suspended.

Message from the House by the Chief Clerk, informing the Senate of the passage of House joint resolution No. 18, authorizing the Secretary of State to purchase one Winchester carbine for each of the persons who overtook and killed four of a band of hostile Indians.

Also, House bill No. 83, "An Act to incorporate the Washington Fire Engine Company No. 1 of the city of Austin."

House bill No. 201 read first time.

Senator Fountain moved suspension of rules to make the bill the special order for Friday at 11:30 A. M.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Absent, but excused—Alford.

Rules suspended, bill made special order for Friday at 11:30 A. M.

On motion of Senator Fountain the rules were suspended to take up House bill No. 80, "An Act to establish a State police and provide for the regulation and government of the same."

Read first time.

Senator Fountain moved suspension of rules and the bill be made the special order for Monday 10½ A. M.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent, but excused—Alford.

Rules suspended, bill made special order for Monday 10½ A. M.

On motion of Senator Mills, rules suspended to take up House bill No. 2, "An Act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas."

Read first time. Rules suspended; read second time; rules suspended; read third time.

Yeas and nays on final passage as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor--17.

Nays—Dohoney, Evans, Shannon---3.

Under arrest, not voting---Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett---8.

Absent, excused---Alford.

Bill passed.

Senator Fountain offered the following resolution, and moved its adoption:

WHEREAS, Reliable information having been communicated to us that twelve Senators had sworn and confederated upon the passage of a certain measure by a constitutional majority of this chamber to resign, for the purpose of breaking a quorum of the Senate, for the purpose of arresting the machinery of government, thereby defeating reconstruction and the organization of the State government; and

Whereas, It having been manifest by a test vote that said measure would pass by a constitutional majority, the said twelve Senators so confederating and conspiring, pending the final vote upon the second stage of said bill, at a preconcerted signal, in a body, abandoned their seats, and by said revolutionary act suspended the entire constitutional action of the Senate by depriving it of a quorum of its members; whereupon, the Sergeant-at-Arms being directed by the President of the Senate, ex officio Lieutenant Governor of the State, to arrest said recusant and revolutionary members, and said Sergeant-at-Arms reporting that one of said Senators did violently resist arrest, and refused to return to his seat as ordered by the President of the Senate and ex-officio Lieutenant-Governor; and,

WHEREAS, The Sergeant-at-Arms was again directed at once to arrest at least sufficient to make a quorum, in order that the business of the Senate might proceed without further revolutionary delay; and

Whereas, Said officer, upon attempting to execute arrest, was forcibly detained or confined such a length of time in the room, in which said Senators had entrenched themselves by locking the door, to lead to the presumption that he was forcibly

and violently detained, making it necessary, in the judgment of the President of the Senate and ex-officio Lieutenant Governor, to empower, by warrant, three assistant sergeants-at-arms, to rescue the principal Sergeant-at-Arms, and to execute the writ that had been originally intrusted to the same; whereupon, seeing the futility of further resistance to the constituted authorities of the State of Texas, the said recusant and revolutionary Senators returned to the Chamber, assuming that their action was voluntary; and

WHEREAS, In consideration of the above contempt of the Senate and the said resistance, taken into connection with the well-understood threat, prior to the test vote, of the declared intention of said recusant members to resign, and thereby dissolve the State Government, the Sergeant-at-Arms having been unable to make his arrest by said forcible detention and captivity, the Lieutenant-Governor, ex-officio, in his place, did formally order said recusant and revolutionary Senators under arrest; therefore, be it

*Resolved*, That a select committee of five be appointed to examine into the case of each individual Senator so arrested and so charged with revolutionary design and conduct, speedily as in each individual case the facts may be reached, and that said select committee shall have power to administer oaths and send for persons and papers.

Senator Parsons moved the previous question. Previous question seconded.

The Chair then put the question, "Shall the main question be put?" Main question ordered.

The Chair then put the question, "Shall the resolution be adopted?" Adopted.

The Chair appointed as the committee Senators Fountain, Parsons, Saylor, Baker and Hall.

Senator Dohoney offered the following resolution and moved its adoption:

WHEREAS, A special committee of this Senate has been appointed to inquire into the reputed charge that twelve Senators had conspired together to break up the government of the State; and

WHEREAS, Said Senators so charged are entitled to a speedy public trial under the constitution, therefore be it

*Resolved*, That the aforesaid special committee be authorized and required to proceed at once to inquire into the truth of this charge, and that this committee be required to report to the Senate on to-morrow their action in the premises.

Senator Saylor moved to refer the resolution to the special committee appointed by the president under resolution of Senator Fountain.

Yeas and nays called on the motion to refer and resulted as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mill, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest not voting---Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Picket--8.

Absent, excused--Alford.

Resolution referred to special committee.

Senator Ruby offered the following resolution :

*Resolved*, That the Chairman of the Committee on Printing be authorized to contract with the Public Printer for 10,000 copies of the debates of the Senate on the militia bill, and that the same be furnished for the use of this body. Adopted.

On motion of Senator Baker Senate adjourned.